



SENTENCING IN WISCONSIN

Snapshots of Information on Wisconsin Sentencing

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Methamphetamine Sentences in Wisconsin

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The manufacture, distribution, and use of methamphetamines are quickly growing problems in Wisconsin. The previous snapshot¹ provided summary information on methamphetamine rates within the state court system. The analysis looked at occurrences and trends of these cases by judicial districts and offense types. Between 2003 and 2004, the entire state experienced an increase in the number of cases. Cases were most abundant in the northwest corner of the state (District 10), and steadily decreased as one moves south and east. The snapshot also provided information on the distribution of these cases by offense type – *Manufacturing*, *Possession with Intent to Deliver*, and *General Possession*. While the majority of cases (over 55%) were for manufacturing, distribution and possession cases also saw significant increases.

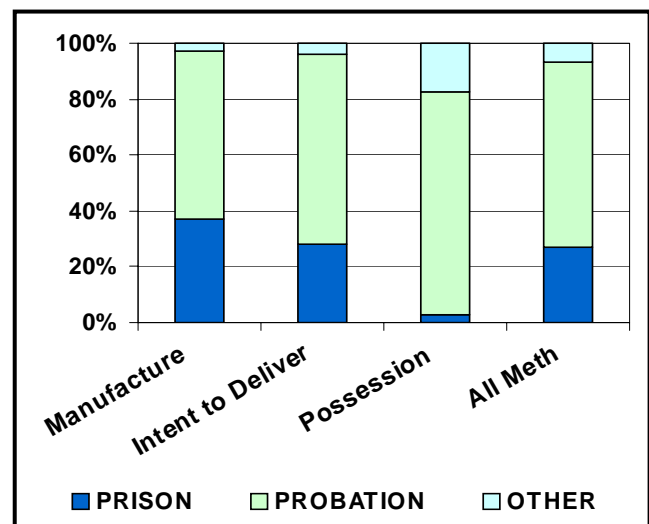
Using the same data set², this snapshot will build on the previous analysis and provide a breakdown of methamphetamine cases by sentence types and lengths.

Sentence Types for Methamphetamine Cases

With methamphetamine cases on the rise, it is important to look at how these cases are being sentenced. In 2003 and 2004, the majority of methamphetamine cases in Wisconsin were sentenced to probation. 66% of offenders received this type of sentence, while 27% received prison and 7% received another form of sentence³. As to be expected, the greatest percent of prison sentences were given in *Manufacturing* cases. Conversely, the greatest percent of probation sentences were given in *Possession* cases.

As illustrated in Chart 1, the likelihood of being sentenced to prison increases according to the severity of the crime. *Manufacturing* cases have the greatest percent of prison sentences (37%), followed by *Intent to Deliver* (28%) and *Possession* (3%). On the other hand, probation sentences were most commonly given to *Possession* cases (79%). Although, probation was also given in a large percentage of *Intent to Deliver* (68%) and *Manufacture* (60%) cases as well.

CHART #1: Percentage Distribution of Offense Types by Sentence Types



Sentence Lengths for Methamphetamine Cases

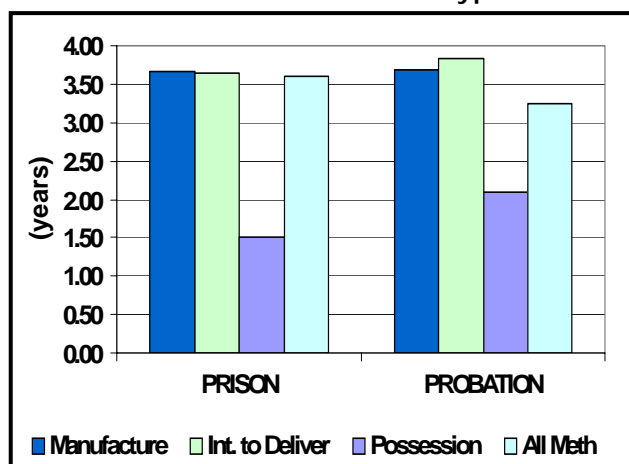
In addition to sentence types, this snapshot also provides information on average sentence lengths. While average sentence lengths have the ability to provide valuable information, they often cannot identify common nuances found within individual cases. In an attempt to reduce the level of aggregation, this analysis provides

average sentence lengths broken out by offense types and adjustment types (if any).

As illustrated in Chart 2, prison and probation sentence lengths for *Manufacturing* and *Intent to Deliver* were relatively similar, while they were significantly less for *Possession*. Offenders sentenced to prison received, on average, 3.6 years. When broken down by case type, *Manufacturing* and *Intent to Deliver* cases received comparable prison sentences - 3.7 years and 3.6 years, respectively. Yet, the average prison sentence for *Possession* cases was less than half that amount at 1.5 years.

Overall, offenders sentenced to probation received 3.2 years. Similar to prison sentences, average probation sentences were nearly identical for *Manufacturing* (3.7 years) and *Intent to Deliver* (3.8 years). Once again, average sentence lengths for *Possession* cases were considerably less at 2.1 years.

CHART #2: Average Sentence Lengths by Sentence and Offense Types



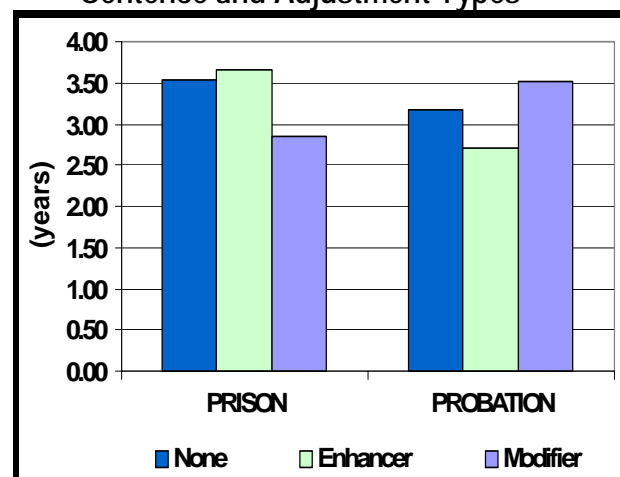
In order to gain a more accurate understanding of average sentence lengths, it is important to take into account the effect of case adjustment factors (if any). The following section separates methamphetamine cases into those with sentence

adjustment factors and those without. Sentence adjustments include case modifiers (e.g., a party to the crime, attempt, and conspiracy) and case enhancers (e.g., habitual criminality and identity concealment).

Chart 3 shows the average sentence length of cases without adjustments and those with adjustments (either a modifier or enhancer). On average, prison cases with adjustments received the longest sentence at 4.4 years. As expected, cases with an enhancer have a longer average sentence length than cases with a modifier, 3.7 years and 2.9 years, respectively. Cases that did not include either a modifier or enhancer received an average sentence of 3.6 years.

Probation cases, however, take on a different trend. Counterintuitive to what one might expect to see, cases with a modifier received longer sentences (3.5 years) than either cases with enhancers (3.2 years) or cases without adjustments (3.2 years). One possible explanation for this trend is that when a modifier is associated with a case, it may reduce the sentence from a prison sentence to a long period of probation.

CHART #3: Average Sentence Lengths by Sentence and Adjustment Types



¹ Snapshots of Information on Wisconsin Sentencing- Volume 2, No.7

² Based on Consolidated Court Automation Programs (CCAP) records

³ Possible examples include restitution, costs, license revoked, alcohol assessment, etc.